

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

Intrastate Distributors, Inc. :  
Plaintiff : Civil Action 2:10-cv-952  
v. : Judge Marbley  
C-B Beverage Corporation, *et al.* : Magistrate Judge Abel  
Defendants. :  
:

**ORDER CLOSING CASE**

This action was opened by the Clerk of Court on October 21, 2010, pursuant to an October 18, 2010 order of the United States District Court for the Eastern District of Michigan transferring the instant case to this district. However, on September 29, 2010, Defendant C-B Beverage Corporation filed notice that it had removed this action to the United States Bankruptcy Court for the Southern District of Ohio. As the action had already been removed to bankruptcy court, the order transferring it here appears to have been entered in error.

The Court has been notified by counsel that this matter is pending as an adversary proceeding in the bankruptcy case. On December 15, 2010, it issued an order for any party to show cause why this action should not therefore be closed as a duplicative proceeding opened through inadvertence or mistake. On December 29, 2010, Plaintiff Intrastate Distributors, Inc. filed a response confirming that the

bankruptcy of Defendant is proceeding as *In re C-B Beverage Corporation*, Case No. 2:10-bk-61100 in the bankruptcy court in this district, and that the instant action is pending as *Intrastate Distributors, Inc. v. C-B Beverage Corporation, et al.*, Adv. Pro. 10-02474, an adversary proceeding in that bankruptcy. No party appears to dispute that this case should be closed.

Therefore, accordingly, it is **ORDERED** that the Clerk of Court close this case as having been opened through inadvertence or mistake, as the action at bar was removed to the United States Bankruptcy Court for the Southern District of Ohio, where it is being adjudicated.

s/Algenon L. Marbley  
United States District Judge